

PLANNING COMMISSION CONDITIONS OF APPROVAL

21 E. ANAPAMU STREET

MODIFICATIONS

JULY 7, 2005

- A. Recorded Agreement.** Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the following conditions shall be imposed on the use, possession and enjoyment of the Real Property and shall be documented in a written instrument which shall be reviewed and approved as to form and content by the City Attorney, Community Development Director and/or Public Works Director, which shall be recorded in the Office of the County Recorder:
1. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water through the Real Property including, but not limited to, swales, natural water courses, conduits and any access road, as appropriate. The Owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to the Real Property or any adjoining property.
 2. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan as approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan.
 3. **Approved Development.** The development of the Real Property approved by the Planning Commission on July 7, 2005 is limited to the following: a three-story, 12 unit residential structure, and the improvements shown on the site and elevation plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
 4. **Affordability Covenant.** The 12 units shall be affordable to households of low and very-low households (8 units at 65% of the Area Median Income (AMI) and 4 units at 50% of the AMI) income for a period of 60 years in accordance with the City's Affordable Housing Policies and Procedures.
 5. **Prohibition of Vehicle Ownership.** In consideration of the approval of the 100% parking modification and as a condition of said approval, Owner agrees to prohibit vehicle ownership by all tenants of the residential units and shall ensure that appropriate provisions are included in the leases of the residential units to give effect to this condition.
 5. **Granada Garage Bicycle Station Agreement.** Owner shall provide 12 enclosed bicycle parking spaces on the property or as close as possible and meet the approval of the Transportation Manager, and are available to the project residents free of charge.
 6. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.

- B. **Design Review.** The following are subject to the review and approval of Historic Landmarks Commission:
1. **Lighting.** Exterior lighting, where provided, shall be consistent with the City's Lighting Ordinance. No floodlights shall be allowed. Exterior lighting shall be directed toward the ground.
 2. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler (and irrigation) systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 3. **Pedestrian Walkways.** All pathways leading to and from the site shall be a minimum of eight feet wide and designed to accommodate the high pedestrian and bike station demand anticipated within and between the public areas surrounding the project. Bicycle friendly design shall include wide and open pathways with room for pedestrians with bicycles to pass and gently sloping pathways and transitions, or bicycle rails for two-way travel where abrupt grade changes occur.
- C. **Public Works Submittal Prior to Issuance of a Public Works Permit.** The Owner shall submit the following prior to the issuance of a Public Works permit:
1. **Map Preparation.** The Redevelopment Parcel Map shall be prepared by a licensed land surveyor or registered civil engineer in conformance with the requirements of the City Survey Control Ordinance and recorded in the Office of the County Recorder.
 2. **Public Improvement Plans.** The Owner shall submit C-3 public improvement plans for construction of improvements of Pedestrian Paseo frontage along the subject property. Public Works C-3 Improvement Plans shall be submitted separately from Building Permit plans. As determined by the Public Works Department, the improvements shall include curb drain outlets, preserve and/or reset contractor stamp and/or survey monuments, and provide adequate positive drainage from site. Where tree roots are the cause of the damage, the roots are to be pruned under the direction of the City Arborist. The building plans shall be prepared by a registered civil engineer or licensed architect and reviewed by the City Engineer. The public improvement plans shall be prepared by a registered civil engineer or licensed architect and reviewed and signed by the City Engineer.
 3. **Land Development Agreement.** The Owner shall submit an executed Agreement for Land Development Improvements, an Engineer's Estimate, signed and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
- D. **Required Prior to Building Permit Issuance.** The following shall be finalized and specified in written form and submitted with the application for a building permit:
1. **Mitigation Monitoring and Reporting Requirement.** The Owner shall submit to the City's Environmental Analyst a monitoring program for the project's mitigation measures, as stated in the

Mitigated Negative Declaration or the Environmental Impact Report for the project. (A Project Environmental Coordinator (PEC) and) Mitigation monitors responsible for permit compliance monitoring must be hired and paid for by the applicant. The mitigation monitoring program shall include, but not be limited to:

- a. A list of the project's mitigation measures.
 - b. An indication of the frequency of the monitoring of these mitigation measures.
 - c. A schedule of the monitoring of the mitigation measures.
 - d. A list of reporting procedures.
 - e. A list of the mitigation monitors to be hired.
2. **Evidence of Soil Remediation Completion.** The Owner shall consult with the Santa Barbara County Fire Department, Fire Prevention Division Site Mitigation Unit (FPD) to determine if site assessment in this area is required. Any site assessment work and potential remediation shall be handled by FPD. If site assessment and/or site remediation is required, a building permit shall not be issued for this area until FPD has granted clearance for the site. Cleanup standards for this site shall be such that the site will be suitable for residential land use after the completion of any required remedial action.
3. **Archaeological Monitoring Contract.** Owner shall contract with an archaeologist from the most current City Qualified Archaeologists List for monitoring during all ground disturbing activities associated with the project, including, but not limited to, grading, excavation, trenching vegetation or paving removal and ground clearance in the areas identified in the Phase 1 Archaeological Resources Report prepared for this site by SAIC Consulting,. The contract shall be subject to the review and approval of the Environmental Analyst.

The archaeologist's monitoring contract shall include the following provisions:

If cultural resources are encountered or suspected, work shall be halted or redirected immediately and the City Environmental Analyst shall be notified. The archaeologist shall assess the nature, extent and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

6. **Supplemental Phase 1 Archaeological Survey.** A supplemental Phase 1 archaeological survey by the contracted archaeologist shall be completed after the existing structures and pavement within the proposed project area are removed. The survey shall be submitted for review and approval by the City's Environmental Analyst prior to the continuation of ground disturbing activities. If potentially intact prehistoric or historic cultural remains are identified during the supplemental Phase 1 survey, an Extended Phase 1 investigation (shovel test or backhoe trenching) shall be performed to identify the integrity and spatial extent of the cultural deposit.
 7. **Project Environmental Coordinator Required.** A qualified representative for the Owner, approved by the City Planning Division, shall be designated as the Project Environmental Coordinator (PEC). The PEC shall be responsible for assuring full compliance with the provisions of the mitigation monitoring and reporting program to the City. The PEC shall have authority over all other monitors/specialists, the contractor, and all construction personnel for those actions that relate to the items listed in this program.
 8. **Neighborhood Notification Prior to Construction.** At least twenty (20) days prior to commencement of construction, the contractor shall provide written notice to all property owners, businesses and residents within 450 feet of the project area. The notice shall contain a description of the project, the construction schedule, including days and hours of construction, the name and phone number of the Contractor(s), site rules and Conditions of Approval pertaining to construction activities and any additional information that will assist the Building Inspectors, Police Officers and the public in addressing problems that may arise during construction. The language of the notice shall be reviewed and approved by the City Planning Division prior to being distributed.
- D. **Building Permit Plan Requirements.** The following requirements shall be incorporated into the construction plans submitted to the Building & Safety Division with applications for building permits. All of these construction requirements shall be carried out in the field and completed prior to the issuance of a Certificate of Occupancy:
1. **Best Management Practices.** New residential, commercial, industrial, and transportation development projects, including redevelopment projects, shall address water quality through the use of best management practices (BMPs) as determined by the City. BMPs shall be applied in the following order of priority: site design, source control, and treatment control. Furthermore, projects shall seek to reduce post-development runoff volumes from pre-development volumes through such measures as infiltration, evapo-transpiration, and

storage/reuse.

2. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out and containers shall be provided on site for that purpose in order to minimize construction-generated waste conveyed to the landfill.
3. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.) to help reduce truck traffic on adjacent streets and roadways.
4. **Haul Routes.** The haul route(s) for all construction-related trucks, three tons or more, entering or exiting the site, shall be approved by the Transportation Operations Manager.
5. **Construction Hours.** Noise generating construction is prohibited before 8:00 a.m.* and after 5:00 p.m. Monday through ~~Friday/Saturday~~ and all day on ~~Saturdays~~, Sundays and holidays observed by the City of Santa Barbara as shown below:

New Year's Day	January 1 st **
Martin Luther King's Birthday	3 rd Monday in January
Presidents' Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th **
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Following Thanksgiving Day	Friday following Thanksgiving Day
Christmas Day	December 25 th **

*Construction setup can occur between the hours of 7:00 a.m. and 8:00 a.m. Monday through Friday.

**When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

If determined to be necessary due to construction techniques, night work or longer construction hours will be allowed, subject to review and approval by the Community Development Director or designee and prior notification of neighbors.

6. **Construction Parking/Storage.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers shall be provided on-site or off-site in a location subject to the approval of the Streets, Parking, and Transportation Operations Manager.
 - b. On-site or off-site storage shall be provided for construction materials and equipment.
 - c. Storage of construction materials within the public right-of-way is prohibited.

7. **Water Sprinkling During Grading.** During site grading and transportation of fill materials, regular water sprinkling shall occur using reclaimed water whenever the Public Works Director determines that it is reasonably available. During clearing, grading, earth moving or excavation, sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied to prevent dust from leaving the site. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.

Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
8. **Covered Truck Loads.** Trucks transporting fill material to and from the site shall be covered from the point of origin.
9. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. Note that paving shall not begin until the supplemental archaeological survey is completed without discovering any archaeological resources or proper treatment of any discoveries has been completed.
10. **Construction Contact Sign.** Immediately after building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number, work hours and site rules to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval.
11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
12. **Conditions on Plans/Signatures.** All Planning Commission Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Applicant		Date
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Contractor	Date	License No.
<hr/>		
Architect	Date	License No.
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Engineer	Date	License No.

- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, etc.) subject to the review and approval of the Public Works Department. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified Arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans.
 3. **Cross Connection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 4. **Archaeological Monitoring Report.** A final report on the results of the archaeological monitoring shall be submitted to the Environmental Analyst within 180 days of completion of the monitoring and prior to the issuance of the Certificate of Occupancy (Final Inspection), whichever is earlier.
 5. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" boards and submitted to the Planning Division.
- I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively

“Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City’s sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City’s Agents from independently defending any Claim. If the City or the City’s Agents decide to independently defend a Claim, the City and the City’s Agents shall bear their own attorney fees, expenses and costs of that independent defense.

NOTICE OF APPROVAL TIME LIMITS:

The development plan and modification approved, per SBMC Section 28.87.350, shall expire one (1) year from the date of approval unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. A time extension is granted by the Planning Commission for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to implement and complete the proposed project.